

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**ACTION FREIGHT SERVICES, LLC,
a Michigan Limited Liability Company,**

Plaintiff,

**CASE NUMBER: 07-12553
HONORABLE VICTORIA A. ROBERTS**

v.

**RICHARD THORNE, an individual,
ACTION WORLDWIDE SERVICES, LLC,
a California Limited Liability Company,
CONCERT GROUP LOGISTICS, LLC,
an Illinois Limited Liability Company,
FLYER LOGISTICS, a California Limited
Liability Company, D/B/A CGL-LAX,**

Defendants.

_____ /

ORDER

Plaintiff filed a Verified Complaint, Motion for Temporary Restraining Order and for Preliminary Injunction against Defendants, and Brief in Support of Plaintiff's Motion for Temporary Restraining Order and for Preliminary Injunction against Defendants.

When deciding a motion for preliminary injunction, a district court must consider: (1) the plaintiff's likelihood of success on the merits; (2) whether the plaintiff could suffer irreparable harm without the injunction; (3) whether granting the injunction will cause substantial harm to others; and (4) the impact of the injunction on the public interest. *Connection Distrib. Co. v. Reno*, 154 F.3d 281, 288 (6th Cir. 1998), cert den., 526 U.S. 1087 (1999). No single factor is dispositive.

The Court has balanced each factor and determines that they weigh in favor of

issuing a temporary restraining order.

IT IS ORDERED that a temporary restraining order is entered against Thorne; Concert Group Logistics, LLC; Flyer Logistics, LLC d/b/a CGL-LAX; and Action Worldwide Services, LLC, and anyone working for or through them, restraining:

- I. Thorne from working for himself or any entity that competes in any way with Action, including CGL, Flyer/CGL-LAX, and AWS;
- II. CGL, Flyer/CGL-LAX, and AWS, or any of their affiliates or subsidiaries, from employing Thorne or any other Action employee or agent that has been employed by Action within the last two years;
- III. Thorne from soliciting or hiring any former Action employees or agents for himself or for any entity that competes in any way with Action, including CGL, Flyer/CGL-LAX and AWS;
- IV. Thorne from soliciting any historic Action business for the benefit of himself or for any entity that competes in any way with Action, including CGL, Flyer/CGL-LAX and AWS;
- V. CGL, Flyer/CGL-LAX and AWS, or any of their affiliates or subsidiaries from servicing any company that has done business with Action within the last two years;
- VI. Thorne, CGL, Flyer CGL-LAX, and AWS from defaming Action.

That Defendants are directed to file any responses to this Order by **June 18, 2007, at 11:00 am**, Eastern Standard time and appear in this Court by telephone on **June 19, 2007, at 9:00 a.m.**, Eastern Standard time to show cause why this Temporary

Restraining Order should not be made a Preliminary Injunction to remain in effect during the pendency of this proceeding.

This Order shall remain in effect until the hearing on the Order to Show Cause.

A security bond in the amount of \$200,000 is required.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: June 14, 2007